

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>CHRISTOPHER DARNELL, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:23-cv-01266</b>
	)	<b>JUDGE TRAUGER</b>
<b>TRE HARGETT, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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**DEFENDANTS' MOTION TO DISMISS**

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Defendants, Secretary of State Tre Hargett and Coordinator of Elections Mark Goins, sued in their official capacities only, move pursuant to Federal Rule of Civil Procedure 12 (b)(6), and Local Rule 7.01, to dismiss Plaintiffs' Complaint because it fails to state a claim upon which relief can be granted. Plaintiffs challenge the constitutionality of several statutes as applied to them. But the essence of Plaintiffs' Complaint is its challenge to the signature and 90-day-filing requirements in Tenn. Code Ann. § 2-1-104(a)(23) and § 2-13-107(a)(2), and those requirements have been tested and held constitutionally sound in a materially indistinguishable case. *See Green Party of Tenn. v. Hargett*, No. 16-6299, 2017 WL 4011854, at \*6 (6th Cir. May 11, 2017); *Green Party of Tenn. v. Hargett*, No. 3:11-cv-00692, 2016 WL 4379150, at \*40 (M.D. Tenn. Aug. 17, 2016). With respect to the remaining challenged statutes—Tenn. Code Ann. §§ 2-1-104(a)(14), (30); and 2-1-114; 2-5-208(d)(1); 2-13-107(e)(2); and 2-13-201(1)—Plaintiffs have failed to allege any facts to support their conclusory legal allegation that the statutes are constitutionally infirm. The complaint must therefore be dismissed under Rule 12(b)(6).

In support of this Motion, Defendants rely on the contemporaneously filed memorandum of law, which is incorporated herein by reference.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that the above Motion was filed electronically on January 30, 2024. A true and correct copy of that filing was forwarded on the same day via the Court's CM/ECF system upon the following:

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